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10/036,040	10/26/2001	Shiro Fujihara	15024	3769

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EXAMINER

PATEL, SHEFALI D

ART UNIT PAPER NUMBER

2621

DATE MAILED: 12/28/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/036,040

Applicant(s)

FUJIHARA ET AL.

Examiner

Shefali D Patel

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 October 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9 and 11-18 is/are rejected.
- 7) ☒ Claim(s) 10 and 19 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 October 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 2/7/02, 9/2/03
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Objections

1. Claims 5 and 16 are objected to because of the following informalities: claim 5 line 4 and claim 16 line 3 the word "addition" perhaps should be "additional". Appropriate correction is required.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-8, 13-14 are rejected under 35 U.S.C. 102(e) as being anticipated by Kori et al. (hereinafter, "Kori") (US 6,687,802).

With regard to claim 1 Kori discloses an image data processing device for processing an input image content data to produce an output image content data (Figures 1 and 3, col. 6 lines 41-46, col. 7 lines 27-39), comprising: a detector (i.e., reading out section 21 and 43; detection section 381) for detecting a permission limiting watermark from the input image content data (col. 8 lines 20-35, col. 9 lines 48-57); and a controller (i.e., control unit 10, 50, and 520) for controlling transferring and blocking (transferring the data from the control section 50 to copying history information management memory 52, and copying count management information detection section 383 as seen in Figure 3) of the input image content data such that the output image content data is produced from the input image content data a limited number of times when the permission limiting watermark is detected (content data from the image is produced limited number of times as specified, col. 10 lines 46-67. Figure 4 element 52 is used as a

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counter specifying what actions to take depending on the permitted number of times of copying based on the contents ID, col. 11 lines 1-40).

With regard to claim 2 Kori discloses the limited number of times is determined by the permission limiting watermark (col. 11 lines 1-40).

With regard to claim 3 Kori discloses the input image content data is inputted when a copy is performed (when a copy is performed by 21, the data is supplied to the decoder 22 and the image is being read. col. 8 lines 20-35).

With regard to claim 4 Kori discloses the permission limiting watermark is a copy-once watermark indicating that a copy is permitted only once (col. 42 lines 18-20).

With regard to claim 5 Kori discloses an additional watermark inserter (element 8 and 39 in Figures 1 and 3) for inserting an additional watermark in the input image content data to produce the output image content data when the copy is performed (col. 12 lines 4-14).

With regard to claim 6 Kori discloses an additional watermark detector for detecting the additional watermark from the input image content data (additional watermark detector disclosed at 441 within the system 44 in Figure 3. Note, that the additional watermark section goes thru element 42, 200, 43 and to 44 where it is being detected), wherein, when the additional watermark is detected from the input image content data, the controller blocks the transfer of the input image content data so as not to produce the output image content data (transferring the data from the control section 50 to copying history information management memory 52, and copying count management information detection section 383 as seen in Figure 3).

With regard to claim 7 Kori discloses the additional watermark inserter blocks the transfer of the input image content data under control of the controller when the additional watermark is detected (if the permitting number to copy is zero then the additional watermark inserter prevents it from copying as disclosed at col. 11 lines 17-25 and 35-40).

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With regard to claim 8 Kori discloses an image data processing device as disclosed above in claim 1 and the arguments are not repeated herein, but are incorporated by reference. Kori discloses a detector for detecting a permission limiting watermark from the input image content data and for detecting an additional watermark from the input image content data, wherein the additional watermark is inserted when an original image content is copied at elements 383 and 44, respectively, as seen in Figure 3. See, col. 9 lines 48-57 and col. 10 lines 54-67.

With regard to claim 13 Kori discloses wherein the input image content data is digital image data corresponding to an analog composite signal (col. 8 lines 14-19).

Claim 14 recites identical features as claim 13. Thus, arguments similar to that presented above for claim 13 is equally applicable to claim 14.

With regard to claim 15 Kori discloses a copy permission method comprising the steps of: determining whether a permission limiting watermark is embedded in input image content data (detecting content ID by detector 381), wherein the permission limiting watermark provides a predetermined number of copying times (col. 9 lines 29-34, 42-54); and when the permission limiting watermark is detected, permitting a copy of image content data the predetermined number of copying times (col. 11 lines 1-35).

With regard to claim 16 Kori discloses when a copy is performed inserting an additional watermark in input image content data to produce output image content data (elements 8 and 39 in Figures 1 and 3, respectively, and see respective portion in the specification).

With regard to claim 17 Kori discloses determining whether the additional watermark is embedded in the input image content data (detecting by the detector 441 in Figure 3, col. 12 lines 4-14); and when the additional watermark is detected from the input image content data, blocking the transfer of the input image content data to prohibit the copy (preventing from copying at col. 12 lines 15-20, 51-57; col. 13 line 57 to col. 14 line 16).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 9, 11-12, and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kori et al. (hereinafter, "Kori") (US 6,687,802) in view of Linnartz (US 6,314,518).

With regard to claim 9 Kori discloses an image data processing device as disclosed above in claim 1 and the arguments are not repeated herein, but are incorporated by reference. Kori does not expressly disclose having the input image data inputted when playback is performed. Linnartz discloses this at col. 5 lines 11-14 and lines 46-49; col. 7 lines 20-26. Kori and Linnartz are combinable because they are from the same field of endeavor, i.e., copy protection of the recording media. At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine the teaching of Linnartz with Kori. The motivation for doing so is that the basic idea of playback control is that any drive refuses to pass video content if that content contains a watermark that classifies the video as being no-copy while the video is found on a recordable medium as suggested by Linnartz at col. 1 lines 35-60. Therefore, it would have been obvious to combine Linnartz with Kori to obtain the invention as specified in claim 9.

With regard to claim 11 Linnartz disclose the input image content data is compressed image data conforming to MPEG standard (col. 6 lines 39-66, col. 7 lines 33-57).

Claim 12 recites identical features as claim 11. Thus, arguments similar to that presented above for claim 11 is equally applicable to claim 12.

With regard to claim 18 Kori discloses determining whether a permission limiting watermark is embedded in image content data stored in a medium; determining whether an additional watermark is embedded the image content data, wherein the additional watermark is inserted when the image content data is copied as disclosed above in claims 1 and 15 and the arguments are not repeated herein, but are incorporated by reference. Kori also discloses permission limiting watermark and the additional watermark detectors as specified above. However, Kori does not expressly disclose when the permission limiting watermark and the additional watermark are both detected, permitting playback of the image content data; and when the permission limiting watermark is detected and the additional watermark is not detected, prohibiting playback of the image content data. Linnartz discloses this playback feature for permitting and prohibiting playback of the image content data at col. 5 lines 23-67. Please note that when the no-more-copy is detected after once-copy, the play back is allowed and otherwise prohibited as specifically disclosed at col. 5 lines 26-32 and 47-54. Kori and Linnartz are combinable because they are from the same field of endeavor, i.e., copy protection of the recording media. At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine the teaching of Linnartz with Kori. The motivation for doing so is that the basic idea of playback control is that any drive refuses to pass video content if that content contains a watermark that classifies the video as being no-copy while the video is found on a recordable medium as suggested by Linnartz at col. 1 lines 35-60. Therefore, it would have been obvious to combine Linnartz with Kori to obtain the invention as specified in claim 18.

Allowable Subject Matter

6. Claims 10 and 19 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The closest prior art to Kori and Linnartz are directed to a method and a device for processing an input image content data to produce an output image content data as disclosed in an independent claims 1, 8, 15, and 18.

However, the closest prior art fails to disclose anything about a third detector for detecting a type of a medium storing the input image content data, wherein, when the medium is writable, the controller produces the output image content data from the input image content data when the permission limiting watermark and the additional watermark are both detected and prohibits production of the output image content data when the permission limiting watermark is detected and the additional watermark is not detected, when the medium is not writable, the controller unconditionally produces the output image content data from the input image content data as disclosed in claim 10. Further, the closest prior art fails to disclose detecting a type of a medium storing the image content; when the medium is writable, permitting playback of the image content when the permission limiting watermark and the additional watermark are both detected; and prohibiting playback of the image content when the permission limiting watermark is detected and the additional watermark is not detected; and when the medium is not writable, unconditionally permitting playback of the image content as disclosed in claim 19. It is for these reasons in combination with all the other elements of the claim that claims 10 and 19 would be allowable if rewritten in independent form including all of the limitation of the base claim and any intervening claims.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

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US 6,526,510 – method and an apparatus in which the generation limitation information, such as a token or a ticket, contained in digital data is recorded in analog signals.

US 6,701,062 – method and apparatus for providing generational copy control of a video signal.

US 6,571,220 – a reproducing and/or recording system in which copy generation of an information signal is controlled through the use of copy control information that is added to the information signal.

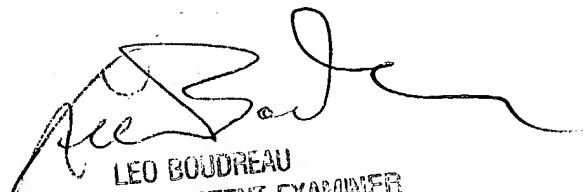
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shefali D Patel whose telephone number is 703-306-4182. The examiner can normally be reached on M-F 8:00am - 5:00pm (First Friday Off).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Leo H Boudreau can be reached on 703-305-4706. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Shefali D Patel
Examiner
Art Unit 2621

December 22, 2004


LEO BOUDREAU
SUPERVISORY PATENT EXAMINER
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